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8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11	IN RE:)	CHAPTER 13
)	CASE NO.: 10-50707 SLJ
12	JENNIFER PHILOAN PHAN)	
)	Hearing Date: January 2, 2013
13)	Time: 10:30 a.m.
)	Court Room 3099, 280 S. First Street
14)	San Jose, California
)	Judge: Hon. Stephen L. Johnson

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16 **MOTION FOR RELIEF FROM STAY TO PURSUE MARITAL DISSOLUTION**
PROCEEDINGS

17 TO ALL PARTIES IN INTEREST:

18 NOW COMES the Debtor, Jennifer Philoan Phan and hereby waives and moves the
19 Honorable Court for relief from the automatic stay to allow Debtor and Debtor's spouse, Jeffrey
20 Tu, to the extent necessary to allow the parties to proceed with the dissolution proceedings filed
21 in the Superior Court of the State of California in and for the County of Santa Clara Case No.
22 110FL155287, with regard to the following:

23 1. The Debtor moves the Court for relief from stay to the extent required to pursue family
24 la proceedings since the stay limits the continuation of the dissolution case to the extent such
25 proceeding seeks to determine the division of property that is property of the estate. *11 U.S.C.*
26 *Section 362(b)(2)(A)(iv)*. Debtor therefore seeks relief from stay to permit the family court to

1 determine the characterization of assets and debts as separate or community and the
2 apportionment of community assets and debts between the parties;

3 2. To determine of reimbursement claims between the spouses; and

4 3. Any remaining issues between the Debtor and her spouse, Jeffrey Tu.

5 Any finding regarding assets or disposition of assets by the Family Law Court shall
6 remain subject to review by the Bankruptcy Court.

7 DATED: December 6, 2012

LAW OFFICES OF DAVID A. BOONE

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9 By: /s/ Leela V. Menon
10 ATTORNEYS FOR DEBTORS
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